

UNITED STATES DISTRICT COURT

MIDDLE

District of

ALABAMA

UNITED STATES OF AMERICA
V.

JUDGMENT IN A CRIMINAL CASE

CECILY LOTIA PROVO

Case Number: 2:07cr155-01-MHT
(WO)

USM Number: 12254-002

Daniel G. Hamm
Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1, 16 and 28 of the Indictment on December 4, 2007☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC 1349	Conspiracy to Commit Bank Fraud	7/18/2007	1
18 USC 1349 and 2	Bank Fraud and Aiding and Abetting	10/31/2006	16
18 USC 1028A(a)(1) and 2	Aggravated Identity Theft and Aiding and Abetting	10/31/2006	28

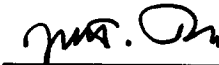
The defendant is sentenced as provided in pages 2 through _____ of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____☒ Count(s) 2-15, 17-27, 29-32, and 33 ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

February 21, 2008

Date of Imposition of Judgment



Signature of Judge

MYRON H. THOMPSON, UNITED STATES DISTRICT JUDGE

Name and Title of Judge

3/4/2008

Date

DEFENDANT: CECILY LOTIA PROVO
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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

45 Months. This sentence consists of 21 months, on each of Counts 1 and 16, to be served concurrently with each other, and 24 months on Count 28, to be served consecutively to the terms imposed on Counts 1 and 16.

☒ The court makes the following recommendations to the Bureau of Prisons:

1. The court recommends that the defendant be designated to a facility where drug counseling and treatment is available.
2. The court recommends that the defendant be designated to a facility near Montgomery, Alabama to be near her children.
3. The court recommends that the defendant be designated to a facility where parenting classes are available.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

- ☐ at _____ ☐ a.m. ☐ p.m. on _____ .
- ☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

- ☐ before 2 p.m. on _____ .
- ☐ as notified by the United States Marshal.
- ☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ , with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: CECILY LOTIA PROVO

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

5 Years. The term consists of terms of 5 years on each of Counts 1 and 16, and 1 year on Count 28, all such terms to run concurrently.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

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SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall attend and participate in adult basic education classes or vocational rehabilitation classes in order to obtain a GED, if not already obtained while in custody, and to gain employment skills.
2. The defendant shall participate in a parenting program approved by the probation officer. The defendant shall contribute to the cost of such program based on ability to pay and the availability of third-party payments.
3. The defendant shall participate in a program approved by the probation officer for mental health treatment and evaluation. The defendant shall contribute to the cost of such program based on ability to pay and the availability of third-party payments.
4. The defendant shall submit to a search of her person, residence, office, and vehicle pursuant to the search policy of this court. Such search shall include, but are not limited to documents, papers, computer, other electronic communication or data storage devices or media, and effects upon reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer's supervision functions.
5. The defendant shall provide the probation officer any requested financial information.
6. The defendant shall not obtain new credit or open any banking account (checking or savings) without approval of the probation officer.

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CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 300	\$	\$ 18,720.53*

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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*SEE ATTACHED PAGES
(2 pages)

*SEE ATTACHED PAGES
(2 pages)

TOTALS	\$ <u>0</u>	\$ <u>18,720.53</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 19,020.53 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☒ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☒ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
All criminal monetary penalty payments shall be made to the Clerk, United States District Court, Middle District of Alabama, Post Office Box 711, Montgomery, Alabama 36101. Any balance remaining at the start of supervision shall be paid a rate of not less than \$50 per month.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

VICTIMS' ADDRESSES
2:07CR000155-001-MHT
DEFENDANT: CECILY LOTIA PROV, aka "CE CE," aka "CC"

RESTITUTION:						
Restitution in the amount of \$18,720.53 is owed to the following victims in the following amounts.						
Payments of restitution to the victim may be forwarded to the attention of the contact person at the address specified below:						
V/W NAME (IF A BUSINESS, ALSO PROVIDE NAME OF AUTH)	ADDRESS	CITY	ST	ZIP CODES	PHONE NO(S).	LOSS
AC Moore, Attn: Elton McMillian	6543 Atlanta Hwy	Montgomery	AL	36117	334-395-9780	59.74
B&F Towing, Attn: Buster Hamm	PO Box 1561	Opelika	AL	36803	334-741-0985	85.00
Bay Cleaners, Attn Parker Smith	PO Box 11754	Montgomery	AL	36111-0754	334-281-1113	58.00
Bowden Oil Company, Donna	PO Box 152	Sylacauga	AL	35150	800-280-0393	73.48
Brunos, Christine Rhodes	2020 ES Blvd	Montgomery	AL	36116	205-908-2139	6,324.36
Burger King, Sandra Strickland	1001 Hwy 21 S	Oxford	AL	36203	256-831-0491	12.20
Burke's Outlet, Tim Osbourne, Dir of Investigations	1806 38th Ave. E.	Bradenton	FL	34208	941-744-4728	498.18
Cannon Oil, Stacie Whiddon	PO Box 6307	Dothan	AL	36302	334-794-2776	182.83
Claire's, Attn Tabitha Gamble	3 SW 129th Ave.	Pembroke Pines	FL	33027	800-826-4455	72.09
Clean Properties, DBA Waugh BP, Frank Mizell	2951 Zelda Road	Montgomery	AL	36106	334-396-1663 ext 17	25.00
Country's BBQ, Kim White	PO Box 230924	Montgomery	AL	36123	334-271-2017	43.01
CVS, Dean Rogers	2600 Morgan Rd	Bessemer	AL	35022	205-481-5209	123.00
CVS, Jeff Sanford	2600 Morgan Rd	Bessemer	AL	35022	205-481-5236	453.21
Dollar General, Jack Trawick	100 Mission Ridge	Goodlettsville	TN	37072	205-266-1141	2,115.32
Family Dollar Stores, David Millo	810 West South Blvd	Montgomery	AL	36108	334-322-3784	197.85
Fidelity, Formerly Certegy Check Services, Alexi Fowler	11601 Roosevelt Blvd, TA12	St. Petersburg	FL	33716-2202	800-215-6280 ext 75832	1,688.36
Goody's	1365 Highland Ave	Selma	AL	36701	865-966-2000 ext 1205	176.73
Hobby Lobby, Kim Umphrey	7707 SW 44th St.	Oklahoma City	OK	73179	405-745-1100	132.18
Holley Oil Company	PO Box 1210	Wetumpka	AL	36092	334-569-0850	49.23
Home Depot, Sandy Boone	41310 US Hwy 280	Sylacauga	AL	35150	256-245-0969	274.81
Loves' Subway, Lorraine Wilkins	1113-A Perry Hill Road	Montgomery	AL	36109	334-244-6641	30.10
Major Oil Co., Inc. DBA United Food and Fuel	PO Box 11	Montgomery	AL	36101	334-263-9070	45.00
Max Federal Credit Union, Michael Wesson	400 Eastdale Circle	Montgomery	AL	36117	334-215-4755	409.33
Max Oil, Attn Connye Dawson	PO Box 514	Greenville	AL	36037	334-382-5471	46.22
Michaels, Store 1550	1959 Cobbs Ford Road	Prattville	AL	36066	334-361-7411	169.12
Nexcheck, Nicole Blisard	PO Box 19688	Birmingham	AL	35219	800-639-2435 ext 3009	195.33
O'Reilly's Auto Parts, John Roberson	PO Box 1156	Springfield	MO	65801	417-862-2674 ext 7435	35.34
Party Tyme Inc.	1087 S. Memorial Dr	Prattville	AL	36067	334-361-1011	134.60
ProMarketing, Attn Peggy Herring	PO Box 1067	Troy	AL	36081	334-566-7774	75.98
Rite Aid, Craig Gagnard	10 W. Fairview	Montgomery	AL	36105	205-873-5494	231.69
Russell Oil Company Inc., Attn Tom Russell	PO Box 38	Lapine	AL	36046	334-263-5373	35.00
Russell Petroleum, Jerry Wood	PO Box 250330	Montgomery	AL	36125	334-834-3750	259.08
Sneakers	1775 Opelika Road, #14	Auburn	AL	36830	334-502-7631	658.74
Southern Family Market	462 Gilmer Drive	Tallassee	AL	36078	334-283-2888	175.64
Southern Family Market,	1032 A US Hwy 84 By Pass	Enterprise	AL	36330		265.32
Southern Family Market, John Sheppard	1327 S. Brundidge St.	Troy	AL	36081	334-566-0130	948.39
Sunday Dinner	5455 Atlanta Highway	Montgomery	AL	36109	334-272-7000	251.83
Sylacauga Raceway	1266 Old Bham Hwy	Sylacauga	AL	35150	256-249-8301	88.92
Telecheck, Jim Robinson	750 W. Hampen Ave.	Englewood	CO	80110	303-806-3435	579.17
Tom Jones Inc.	2320 Birmingham Hwy	Montgomery	AL	36108	334-263-7766	45.26

[illegible]